

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL WORK SESSION
HELD TUESDAY, MAY 18, 2021, AT 5:00 P.M. THE MEETING WAS HELD
ELECTRONICALLY, WITHOUT A PHYSICAL LOCATION, AS AUTHORIZED BY
UTAH CODE ANNOTATED §52-4-207(4).**

Members Present: Mayor Mike Peterson, Council Member Scott Bracken, Council Member Tali Bruce, Council Member Christine Mikell, Council Member Douglas Petersen

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Records Culture and Human Resources Director Paula Melgar, Community/Economic Development Director Michael Johnson, Administrative Services Director S. Scott Jorges

1. Welcome and Determination – Mayor Peterson.

Mayor Mike Peterson called the meeting to order at 5:02 p.m. and welcomed those listening. He read in its entirety the declaration giving the Council the authority to hold the meeting electronically, pursuant to Utah Code Annotated §52-4-207(4).

2. Review of Business Meeting Agenda – Mayor Peterson.

Mayor Peterson reported that many public comments were anticipated during the Business Meeting. Per City ordinance, the Council will take comments for up to one hour with remarks limited to a few minutes per person.

Community/Economic Development Director, Michael Johnson, presented the rezone request on Fort Union Boulevard. The property is located just east of 2700 East on the north side. The request is to amend the zoning of the property from R-1-8 to Residential Office. The General Plan Land Use Map supports the change, however, the Planning Commission recommended denial. The staff presentation will include the Planning Commission findings and the staff recommendation. The Planning Commission's main concern was that it is spot zoning, which is not an issue. The impact was expected to be minimal. The property has been used as a home occupation since the City incorporated. No concerns were raised by the public.

Mr. Johnson next reported on a resolution concerning the PDD process. It involves the formalization of the Development Review Committee ("DRC") that will be primarily comprised of staff. Generally, department heads, staff, and those with outside expertise participate as needed. The DRC meets weekly to discuss potential development or pre-applications of pending development proposals with feedback provided from each department. The Sensitive Lands Ordinance requires the makeup of the DRC be approved by the City Council. In all other cases, the membership is an administrative staff function. Mr. Johnson indicated that he serves as the Chair of the DRC.

3. Staff Reports.

a. 2021-2022 Budget Discussion – City Manager, Tim Tingey and Finance and Administrative Services Director, Scott Jurgens.

City Manager, Tim Tingey, described the budget process and explained that two weeks earlier a Tentative Budget was adopted. The specific line items were reviewed and the narrative was prepared by Finance and Administrative Services Director, Scott Jurgens. There are now opportunities to provide additional input and modifications. The process began in January. Additional recommendations were to be presented but the desire was to address Council questions related to the budget. Staff will also present a Budget Comparison Analysis that was requested as part of the Budget Committee. If time permits, fee modifications will be addressed.

Mr. Tingey reported that the memo addresses the Storm Water Fee, which will be considered as part of the budget process. There will be a separate public hearing on the fee to get public input. The staff recommendations were presented. The \$400,000 to be received as part of SB-136 will be received this budget year and was to be added to the General Fund and transferred into Capital Projects.

There was a reduction in the short and long-term disability insurance premiums of about \$19,000. The budget included \$6,700 toward the match for a Utah State Historic Preservation Grant related to conducting a survey of historic properties. The Historic Preservation Committee wrote the grant, which requires a match of \$6,700.

\$21,000 was included to go toward updating tasers that were purchased in 2007. Mr. Tingey was not aware that the service for the tasers had ended and wanted to include them in the budget. They also updated the fire increase to match the current budget projection of \$117,000. He reported that there is \$68,416 in the General Fund ending balance that needs to be reallocated to adhere to the State Code requirements for reserves. Mr. Tingey recommended that it be transferred into the Capital Improvement Fund to be utilized for Capital Projects. A placeholder of \$350,000 was also added for the Solar Grant for City Hall. That needs to be trued up at some point. The final Certified Property Tax Rate will be added the evening the budget is adopted. That figure was not yet available.

Mayor Peterson brought up the issue of the \$3.77 million that is expected to be received as a result of the American Recovery Act. One of the things it can be used for is stormwater. He asked if that will impact the City's statutory requirements regarding spending. Mr. Tingey explained that they included in the budget a narrative related to those funds. The funds were not included in the budget because there are still planning issues remaining. He and Mr. Jurgens will be attending meetings with both the State and the Utah League of Cities and Towns ("ULCT") regarding the interpretation of what is allowable. Staff was still sifting through that information. Once they have all of the details, they will report back to the Council after the budget has been approved with a set of projects that can be considered as part of a budget amendment. There are, however, potential implications for using it for stormwater. Mayor Peterson commented that it will have a material effect on the budget going forward.

Council Member Bracken commented that it can also be used for road infrastructure. He stated that there are various potential ways to utilize the funds. Mr. Jurgens stated that the funds cannot be used for roads. Areas in which it can be used include drinking water, wastewater, and stormwater. Roads were not one of the included capital areas specified.

Council Member Bruce recalled that in the April 1 newsletter, Chief Russo indicated that City Administration will prepare a budget proposal to fund additional implicit bias, diversity, and de-escalation training for all officers. Mr. Tingey stated that at the last meeting that was included in the budget in the amount of \$7,500. The beginning date to spend the stimulus funds is March 3, 2021. He was not sure of the end date but expected there to be a two-year window. Mr. Jurgens reported that the ULCT has indicated that the window was expected to be greater than one year. Councilmember Bruce questioned if \$7500 was enough to train all officers. Chief Russo indicated that he would not turn down additional funds for training.

Mayor Peterson inquired about SB-136 and the \$400,000 being put back in the budget. Mr. Jurgens explained that it will come through as revenue similar to Class C Roads revenue. It will come into the General Fund and then be transferred to the Capital Improvements Fund to be used on various road projects. The amount was increased with the following three funding components being transferred over:

- The \$400,000 from SB-136;
- The \$600,000 from 2018 that can be utilized for roads or trails; and
- The \$1.2 million that was transferred over from the General Fund and is more general in nature and can be used on a variety of capital projects.

Mr. Jurgens reported that they have \$2,155,000 worth of projects that are Public Works related. \$2,055,000 of those projects are street related and \$100,000 is for sidewalks. Previously it was proposed that \$1,800,000 be transferred in addition to the \$1.2 million more generic General Fund monies to cover it. There is also a Trails Project in the amount of \$61,000 to complete the Ferguson Canyon Park Project. There are \$2,767,000 in expenses with \$2,232,000 to be added in, which includes \$600,000 from the current sales tax for transportation, \$400,000 from the Utah Department of Transportation (“UDOT”) SB-136, and the more generic General Fund transfer of \$1.2 million. There is also a one-time transfer for \$395,000 from the CDRA Fund. They are projecting \$350,000 for the grant for the solar project at City Hall that will offset those costs. There is also a generic \$25,000 in interest revenues in the fund.

Mr. Jurgens explained that when the Tentative Budget was presented it was not balanced in this area and that was one of the items that were outlined. One of the items they were short on was the need to solve a new balance that would have required the use of more General Fund dollars. Council Member Bracken noted that an odd number was specified in the Traffic Calming Program with \$25,000 of funding added to address concerns that were identified. Additional funds could be added throughout the year as needed. Mr. Jurgens stated that in the past there have not been speed mitigation projects.

Mr. Jurges reported that currently, concrete is hard to get and especially difficult with small projects. Last year the Council decided to forego the program and informed residents that when it comes back, they will work with them. The Council would like to include that funding as well as \$25,000 for the Traffic Calming Program.

Mayor Peterson asked about the Ferguson Canyon Park Project and if sufficient funds had been added to complete it. Mr. Jurges stated that the grant was not addressed. It is in this year's budget and will be carried forward with a budget amendment. If the grant is a direct offset to the costs already being incurred, there will be an additional \$150,000 available in the Capital Projects Fund, which would come in as a revenue offset.

Mayor Peterson asked about the compensated absences that were booked at over \$500,000 and how it has fluctuated over the past 10 to 15 years. Mr. Jurges explained that it has to be accounted for from an audit standpoint in the books. The growth is due to how much leave is earned the longer someone is with the City. The other issue is that in a general sense hourly wages increase each year. The combination of those two items factors into how many hours an individual has and is part of the Governmental Accounting Standards Board ("GASB"). It is presented differently in different funds. In the City's fund, it is shown as a reserve. The Mayor wanted to ensure that it is being used appropriately.

Council Member Mikell agreed with the Mayor in that unless there is a reason why the City must keep 100% in the fund, she would prefer to delay by one year and potentially reduce the amount. She felt there were other capital needs in the City. Mr. Jurges explained that the compensated absences on the books are due to employees now.

Mr. Tingey agreed to bring the following back at the next work session:

- More detail on potential phasing on 1700 East;
- Include funding for the sidewalk program;
- The Council determined to leave the speed mitigation line item at \$39,000 and consider budget adjustments as additional needs arise;
- Evaluate the grant for Ferguson Trail for \$150,000; and
- The employee issue in terms of funding the payout.

Mayor Peterson asked that as more information is received on the American Recovery Act that it be provided to the Council since it will have a material impact on the budget. Mr. Tingey hoped that over the next few weeks that details will become available.

Mr. Tingey reported that one year ago the City conducted an analysis and comparison of other cities and population with respect to services in each department. Mr. Jurges stated that the study is based on the 2020/2021 budget. The combined tax rate for each includes Fire, Police, and Property Tax and includes divisions that are defined by the City. In Cottonwood Heights, they spend about \$28.65 per person on Community and Economic Development over the course of a year. The average is \$54.85. Other areas of the budget were examined and compared. For the Justice Court, the average was \$15.54 while Cottonwood Heights pays \$12.41. For the City

Attorney, the average is \$20.71. It was noted that in some cities, attorney costs are outlined separately. Cottonwood Heights is at \$6.50. For Finance and Treasurer, the average is \$21.96 while Cottonwood Heights is at \$12.04. The cost of Fire was an average of \$138.51 with the city being at \$117.67. For Public Works, the average is \$89.08 with Cottonwood Heights at \$83.00. For Police, the average is \$230.35 while Cottonwood Heights is at \$179.49.

Council Member Bruce commented that she has asked since she began serving on the Council for an all-inclusive cost on departments they can potentially outsource. She felt it was fair to provide an outsourcing price even if the Council never considers it. She considered it to be the highest level of transparency. She contended that she is the only member of the Council that feels this way, so the Council has chosen not to provide the requested information. Council Member Mikell disagreed and previously invited Council Member Bruce to serve on the Budget Committee. She found Council Member Bruce's claim that she is the only Council Member that wants that level of transparency to be offensive.

Mayor Peterson stated that at the Retreat there was agreement that they would conduct an analysis of every department compared to similar municipalities to look at efficiencies. What was in question was how to include the idea of outsourcing. To get a true outsourcing cost and comparison a project must go out to bid in the private sector, which he did not consider beneficial. He found the comparative analysis to be helpful.

Council Member Petersen commented that the Council wants the City to be as efficient as possible. He had seen nothing but efficiency and did not appreciate the implication that the Council is trying to overspend. If they can find efficient ways to get the same service, he would support it. He also did not like being accused of overlooking inefficiencies.

Council Member Bracken appreciated the information and looked forward to reevaluating it next year once they have updated census numbers.

Mr. Tingey offered to forward the proposed fee changes to the Council for review at the next work session where the budget will be discussed again briefly. There will then be a public hearing on June 15 after which the budget will need to be adopted. There will also be an opportunity for public comment.

4. Review of Calendars and Upcoming Events.

a. July 19-24, 2021 – Butlerville Days.

5. Possible Closed Meeting to Discuss Litigation, Property Acquisition, and/or the Character and Professional Competence or Physical or Mental Health of an Individual.

MOTION: Council Member Bracken moved to close the Work Session and open a Closed Meeting to discuss litigation, property acquisition, and/or the character and professional competence or physical or mental health of an individual. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Petersen-Aye, Council Member Mikell-

Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Mayor Peterson-Aye. The motion passed unanimously.

The City Council was in Closed Meeting from 6:26 p.m. to 7:05 p.m.

6. Adjourn City Council Work Session.

MOTION: Council Member Bracken moved to close the Closed Meeting, return to the Work Session, and adjourn the Work Session. The motion was seconded by Council Member Petersen. The motion passed with the unanimous consent of the Council.

The Work Session adjourned at 7:05 p.m.

**MINUTES OF THE COTTONWOOD HEIGHTS CITY COUNCIL BUSINESS MEETING
HELD TUESDAY, MAY 18, 2021, AT 7:00 P.M. THE MEETING WAS HELD
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Members Present: Mayor Mike Peterson, Council Member Scott Bracken, Council Member Christine Mikell, Council Member Douglas Petersen

Staff Present: City Manager Tim Tingey, City Attorney Shane Topham, Police Chief Robby Russo, Assistant Fire Chief Riley Pilgrim, Records Culture and Human Resources Director Paula Melgar, Community/Economic Development Director Michael Johnson, Administrative Services Director S. Scott Jorges

1.0 WELCOME AND DETERMINATION

1.1 Mayor Peterson, as Chair of the City Council, will read the Written Determination Concerning an Anchor Location for this Electronic Meeting During the Current Pandemic, Pursuant to Utah Code Ann. 52-4-207(4).

Mayor Mike Peterson called the meeting to order at 7:10 p.m. He read in its entirety the determination giving the Council the authority to hold the meeting via Zoom, pursuant to Utah Code Annotated §52-4-207(4).

2.0 PLEDGE AND ACKNOWLEDGEMENTS

The Pledge was led by Council Member Bracken.

3.0 CITIZEN COMMENTS

City Manager, Tim Tingey reported that five written comments were submitted and forwarded to the City Council and made part of the public record. Written comments were received from Charlene Love Nicholson, Clay Rockwood, Howard Norton, Kim Kraan, and Runar Boman.

Council Member Bracken commented that the Attorney General's Office conducted a comprehensive report and reviewed all of the evidence obtained regarding the August 2, 2020, incident. The report presented the previous week was a summary of those findings. They reached conclusions from the report and items were presented to support the conclusions. Anyone with evidence of incompetence or ineptitude by the Attorney General's Office was invited to present it. Council Member Bracken had no reason to doubt their integrity or the veracity of their investigation. On a separate and more personal note, he stated that there are some who are intent on attacking his integrity. He clearly stated that his integrity is not for sale and never has been. Rumor mongering, gossip, and propagandizing may be protected by the First Amendment but is still vile. He stated that they are often fabrications to support a personal agenda.

Council Member Bruce acknowledged that the Attorney General's Report acknowledged gaps. She stated that the planning could have been better and the matter is far from over. She stated that there will be several venues to address the issue going forward. She stated that what is important now is that they move forward as a City.

Tim Hallbeck objected to \$450,000 being proposed to fix a length of sidewalk. He considered the amount to be unreasonable. He next commented on the gravel pit and stated that he lived on the fault line in California in 1989 and six of his neighbors disappeared as a result of an earthquake. He stated that it would be very unwise to build along any fault line or allow construction on two fault lines, which was his understanding of what was happening at the gravel pit. He also inquired about the roundabout at 2300 East near Brighton High School. He stated that for the last 1½ years, multiple engineers have indicated that the safest intersection is a three-way T-intersection, which is what exists in this location. Mr. Hallbeck saw no reason to make a change. Lastly, he stated that there was a suggestion earlier in the evening by a Council Member that the Police Training item be deleted or omitted from the current budget. He considered that to be disinformation and asked that the Council Member dismiss herself from the City Council.

Runar Boman commented on the budget discussion and found it to be enlightening. He especially liked the General Fund Comparative Analysis Report, which provided a lot of good information. He moved to Cottonwood Heights about five years ago from Salt Lake City and loves living here. He also liked hearing comments about ways to improve the City and make it more livable. He considered the issues discussed to be of benefit to the community and make Cottonwood Heights a better place to live. His concern was that they are seemingly focused on funding a rooftop solar project for the City Hall Building that will do nothing to benefit the community. His concern was that they are prioritizing that above beneficial projects that will impact the lives of all citizens. He was concerned that it is being justified over other worthy projects. He hoped to see the rationale behind the solar project and why it is so important. He considered it to be an expensive and overall bad project.

Mike Hanson thanked the Mayor and Council for the opportunity to speak. With regard to the budget discussion and presentation during the Work Session, he thanked staff for their time and effort in presenting comparisons of peer cities. Council Member Bruce commented that since her first day in office she has requested transparency. He hoped this would be a step in the right direction. She also commented that the study would not be completely transparent without the outsourcing bid element. Mr. Hanson stated that throughout the City's history when needed, the mayors and council have done just that. He provided the example of when the City made the decision to self-provide police services. A great deal of work, studies, and hearings were involved in creating what exists today. He stated that the current service is exceptional. He next addressed the snowplowing service from previous years that was of concern to the Mayor and Council. They made the decision to study the issue and ultimately decided to outsource the work. After a great deal of vetting, a subcontractor was selected and ultimately failed horribly. The City was ultimately able to negotiate out of the five-year contract. That service is now self-provided. The County service was good but not economically feasible.

Darlene McDonald thanked the Mayor and Council for their efforts. She reported that she attended the march on August 2, 2020, which prompted the report released by the Attorney General's

Office. She does not live in Cottonwood Heights and was present at the event because she was invited. She normally gives a historical perspective of various issues, specifically those dealing with policing in America. The mother of the young man that was shot and killed, Zane James, invited her to speak. As a person of color, her parents were born and raised in the south in the 1950s and 1960s and lived through many of the incidents that are read about in textbooks. She never experienced anything like what happened in Cottonwood Heights. While she was not afraid for her life, it was a peaceful event until it became something else. A gentleman suggested previously that Council Member Bruce resign. She explained why that should not happen. Ms. McDonald stated that allies are needed to fight for racial and social justice. If not for the presence of white allies, in particular, there would be more bloodshed. She was grateful that Council Member Bruce had the courage to be there and do what was required of an ally, which was to film what took place. If not for the footage that prompted the summer of protest, the Police Report that was released about the incident that took George Floyd's life would never have come to light.

Denise Clark was of the opinion that Council Member Bruce should be removed from office and charged with obstructing justice and harassing police officers. Council Member Bruce did not uphold the law and incited and encouraged others to disregard the law. She supported riots and attacks against police officers, which is not supported by the Constitution. Ms. Clark did not trust Council Member Bruce to make decisions that will affect citizens and their families or to uphold the law. Ms. Clark had heard a lot about First Amendment rights but they end when someone begins to infringe on the rights and freedoms of others. It does not give someone the right to break laws and attack police officers.

Kim Steenblik addressed the roundabout going in near Brighton High School. She recently took a tour of the building and was informed that the roundabout is to go in as school begins, which was of concern to her. She suggested that it be pushed back. Ms. Steenblik also listened to the Attorney General's Report and appreciated the work they did. She felt that they performed a thorough investigation. They also answered all of the questions raised by the City. She thanked the City Council Members for the work they do. She also thanked the City's police officers for all they do to benefit the City.

John Hammond was pleased to see Police Chief, Robby Russo vindicated. He stated that Chief Russo does a great job and he felt lucky to have him as the Police Chief. The City's police officers did a great job in August during the riot and the Attorney General's Report was very thorough. Mr. Hammond was present when the riot unfolded and the report was extremely accurate. He remarked that Council Member Bruce should be ashamed of herself and was shocked that she still wants to serve on the City Council. He stated that her behavior was completely unacceptable. As a City Council Member, she should have known better and behaved differently. Mr. Hammond pointed out that there were no permits issued for the group to gather at the park. His understanding was that they were allowed to go there because people were peaceful. Going forward, he stated that protesters should not gather without a permit.

Mr. Hammond agreed with Mr. Boman about the solar and suggested that the City look at it further and conduct additional research. He also stated that the proposed roundabout looks good on paper but a three-way stop sign would be much better than what they currently have. He thanked the

Council and the Police Department for the work they do. He was amazed by the restraint they showed after watching the Attorney General's Report.

Rosanne Newell stated that she has lived in the area for 56 years and raised her family here. She was, however, troubled by all of the contention caused by Council Member Bruce on August 2. It did not seem that Cottonwood Heights is a nice place to live anymore. It also appears that Council Member Bruce has a personal agenda against the Cottonwood Heights Police Department and stirs up contention. The protest took place in a very nice neighborhood and many of the residents did not like the language and activity that took place. There were children present and it was a very frightening situation. Apparently, they were protesting the shooting of a boy who had committed two armed robberies and was fleeing the police and not cooperating. She found it sad that someone lost their life but it is also unfortunate when police officers try to do their jobs and are criticized for it. Ms. Newell stated that the City would suffer tremendously without the Police Department and believed they should be supported. She had nothing but positive feelings for the Police Department. She has met Chief Russo, who has always been kind, and she appreciated the work he does. Ms. Newell stated that lawlessness is contagious. She suggested that the City Council work together rather than against one another. She hoped that going forward the City Council and Police Department can work together to make Cottonwood Heights a great place to live.

Kimmie Stojack quoted Thomas Jefferson who said that "Law is often but the tyrant's will and always so when it violates the rights of the individual. The care of human life and happiness, not their destruction, is the first and only charter of good government." Ms. Stojack stated that the law enforcement oath of honor states, "I will never betray my integrity, my character, or the public trust. I will always have the courage to hold myself and others accountable for our actions. I will always maintain the highest ethical standards and uphold the values of my community and the agency I serve." Ms. Stojack questioned whether it is ethical for a Chief to donate to the campaigns of City Officials. She also questioned whether it is ethical for an officer to phone her and her husband under a false name to harass them. She stated that for more than 10 years they have been harassed by the Police Department. Ms. Stojack found it disturbing and unethical that the Attorney General's Office would conduct a fair investigation on the August 2 peaceful protest. The Attorney General lives in Cottonwood Heights and he has known for years what is going on in the City and promised to help once he took office. He is also friends with the former Mayor and the Chief of Police. Ms. Stojack stated that when she and her husband met with the Department of Justice and were informed that Utah is very corrupt.

Susan Despain was proud to live in Cottonwood Heights and appreciated the City's police force and the restraint they use. She was not sure she could have done the same in a similar situation. Ms. Despain was out of state when the protest occurred and to see it unfold on national news made her feel like they were following in the footsteps of Seattle and Portland where there is so much anarchy. She stated that this type of activity takes place through fear and intimidation. She expressed her support for the police and believed they were unfairly targeted by the media and others. Ms. Despain was disappointed that a City Council Member would instigate such divisiveness. She expressed appreciation to the Mayor and the Police Department.

Terry Glad stated that she has lived in the community since 1955 and raised her family here. She has followed the matter very closely and came to the conclusion that Tali Bruce does not possess

the values the City needs. Her actions and involvement in the protest on August 2 were inappropriate and divisive.

Randall Ellefsen responded to comments made regarding the August 2 riot. He reported that he and his son often ride bikes in Mill Hollow Park and on August 2 they were caught in the middle of the riot. He was grateful that his younger daughter was not there because they were afraid. He found a gap in the riot and sent his son home. He told his son to tell his mother to stay in the house, lock the doors, and call for help. Mr. Ellefsen positioned himself between the rioters and his home to protect it. People had megaphones and were shouting profanities. Many of their words were based on the color of Mr. Ellefsen's skin and he was called a racist, homophobic, among other things. When he found that Tali Bruce, who is his Council representative, was involved he was embarrassed, angry, and ashamed. He stated that she should immediately resign and does not represent his ideals or those of any of his neighbors. He wished she had enough integrity to leave.

Ashley Rawlings spoke on behalf of the younger residents of the City. She appreciated the police officers in the community and all they do. She did not feel they had received enough credit for keeping the community safe. She lives on 6710 South and witnessed the riot. She tried to shield her young son's ears while profanities were being shouted at them. It was very inappropriate and *not* a peaceful protest. Ms. Rawlings stated that the person representing her on the City Council should be trying to make the community better rather than destroy it.

Troy Ripplinger thanked Chief Russo and the Police Department for the work they did in his neighborhood. He did not expect Council Member Bruce to step down since someone with moral decency would not do what she has done. He thanked the remaining Council Members for their service and for enduring her poor behavior. He encouraged the City to take legal action to isolate her so that she does not negatively impact the City any more than she already has.

Bret Webster felt they were repeating a centuries-old legacy of white people mischaracterizing what took place. He stated that 26 million people participated in the movements that occurred last summer yet all they have done is decry someone who had the courage to support them. He felt they were missing the magnitude of the moment. This is a time of change and policing changes and evolves. He stressed that evolution needs to happen and there has been profound inequity and genuine issues taking place. People fear when their children are pulled over by the police and those who have spoken are dismissing the anger of an entire segment of society. Mr. Webster stated that Tali Bruce has shown a lot of courage. He urged the community, the Council, and Chief Russo to listen. He stated that Cottonwood Heights is developing a bad reputation and urged them to strive for improvement. Even though the community is predominantly white, they can still recognize inequity. He stated that the causes are legitimate.

Edward Schwartz stated that democracy is predicated upon different opinions and defined mostly by its leaders and the voices that the leaders carry. He referred to the Attorney General's Report and stated that it took until May to provide a report. There were a lot of questions remaining regarding the leadership of the local Police Department, which everyone seems to be avoiding and praising Chief Russo for doing a stellar job. Mr. Schwartz stated that the officers on August 2 could have handled the situation much differently. He commented that leadership requires

delegation of proper communication, which did not happen. The situation got out of hand. He personally did not believe the Attorney General's Report. The leadership in Cottonwood Heights has been questioned for years yet they praise Chief Russo who earns \$250,000 per year. The department gets a new fleet of cars every two years while other projects are neglected. He questioned the City's leadership. There are projects that need to be questioned such as building taking place on fault lines. Mr. Schwartz stated that Chief Russo's leadership style needs to be addressed yet they have allowed him to get by with no retribution.

Jon Brakebill stated that he spends a lot of time on social media and looks at all opinions. He moved to Cottonwood Heights nearly six years ago after growing up in Southern California in Northeast Los Angeles. He stated that many have not experienced what it means to be terrified like he has. He thanked the police officers and Chief Russo who demonstrated professionalism and acceptance toward the non-peaceful, violent protesters. He was appalled by the lack of professionalism of the Council Member involved. He described her as an agitator who used her position of power to overstep the authority bestowed upon her by the voters. Mr. Brakebill hoped the City can move forward. For those who disagree, their time to vote will come soon. He suggested they use it appropriately and wisely. He urged the police officers, City Council Members, Police Chief, and citizens to ignore the rhetoric. The situation involves a handful of people who are trying to agitate and overstep. He thanked the Mayor and City Council for their efforts.

Steve Wall was troubled by some of the remarks and overstatements regarding policing in the community. He witnessed the riot as did his neighbors and they found the actions of the "protestors" to be completely out of hand. No one heard or understood the message. What they witnessed was bad language that was threatening and menacing. A Council Member who had no business participating as she did and should have been trying to get them to comply with what the City was allowing them to do, which was well beyond what should have been allowed. The protesters should not have been in the streets and were supposed to be on sidewalks. As a result of the disturbance, the Council Member got involved. Mr. Wall saw footage that was even more inflammatory in terms of Council Member Bruce's conduct than he had imagined. Moments after her claim to have been assaulted and traumatized, she walked by Mr. Wall and others with a happy disposition and commented on how wonderful community awareness is. The comment was out of hand in the context of what had taken place. Not only was it completely disingenuous, but it was also hypocritical. Her intent was to provoke an encounter with the police, which is what happened. The police were far more restrained than they should have been. In response to a comment made by Bret Webster, Mr. Wall stated that he has not lived long enough to have seen the violence that took place in the 1960s against police officers. Mr. Wall suggested he read more history and stated that there is nothing unique about policing. It has a place, which is to serve the community and protect the citizens. Mr. Wall thanked the Council Members and the Police Chief for doing an exceptional job of dealing with the situation and the investigation.

Patsy Young thanked Mayor Peterson and the City Council Members for their work. She especially thanked Chief Russo for continuing on despite the problems he has had to face over the last few years. Ms. Young stated that she has lived in the area for many years and before the City's incorporation, it was County governed. When Cottonwood Heights was incorporated, many aspects of having a more localized government were very appealing. The first few years were

mostly peaceful and pleasant. When candidates for City Council were introduced a few years ago, she met Tali Bruce and asked her why she wanted to be a Council Member. The part of her reply that Ms. Young remembered most was that the City Council was comprised only of men and she wanted to “shake things up”. Ms. Young was not impressed with that answer or other things she stated. Ultimately, she did not vote for Council Member Bruce. She later discovered that “shaking things up” meant that Council Member Bruce wanted to get rid of the police. Ms. Young did not understand why someone would want to make the City less safe. The turmoil Council Member Bruce has caused with her vendetta against the police has brought riots and unpeaceful protests, which Ms. Young considered to be disgusting and outrageous. She questioned why the City is tolerating terrorist tactics. Now that the Attorney General’s Office has investigated and found the Cottonwood Heights Police Department (“CHPD”) innocent of Council Member Bruce’s accusations, it is time that she is held accountable. Ms. Young called on Council Member Bruce to resign. If that does not happen, she asked the Council to take whatever action is necessary to remove her from her position and hold her accountable for her actions. She suggested that going forward they be careful when electing local leaders who can have a tremendous impact. Ms. Young suggested that the problem be corrected by ridding the City Council of this destructive influence.

David Rawlings reported that he has lived in many cities throughout the country. He considered Cottonwood Heights to be one of the greatest places to live. He is concerned when he hears negativity and criticism and suggested that citizens be more respectful of its leaders. For the most part, he felt that they have great leadership. Mr. Rawlings believed that the reason Chief Russo is receiving so much praise is because it is coming from the residents who live near where the protest took place. He doubted that 30 years ago the police would have tolerated such vulgar language and disrespect. He suggested that the Police Department be praised for the work they do.

Debbie Mackintosh directed her comments to the recent Attorney General’s Report and appreciated the truth being brought to light. She was impressed by the thoroughness and integrity of the investigation and appreciate the information presented and found the videos to be very informative. She was sad to see that people choose to disregard law and order and seem to think they are above the law. Ms. Mackintosh found it upsetting to think that there are people who want their own way no matter who gets hurt because they choose to disrespect the law. She recognized the integrity of the Cottonwood Heights Police Officers and the kindness of Chief Russo as he took care of those who he saw were in need of extra care. This was the opposite of what was seen by many who attended the rally. Ms. Mackintosh commended Chief Russo and the Police Department who have great leadership skills. Police officers have been trained and are continually sharpening their skills to address a situation like the one that occurred on August 2. Those who want to cause chaos will choose to be unaccountable and not see their own part in the chaos they create. Ms. Mackintosh considered that to be the case with Council Member Bruce and claimed that they do not have the same issues as other places in the nation. She agreed with the letter from the Fraternal Order of Police encouraging Council Member Tali Bruce to step down. It is clear that she and a few other leaders were pushing to get video footage and hoping to create chaos so that the police would be charged with being unhinged. That was not the case. They were amazing. It was clear that many in the crowd were out of control, including Council Member Bruce. It was obvious. Ms. Mackintosh stated that it is clear that Council Member Bruce has her own agenda and little concern for what is in the best interest of the City. Ms. Mackintosh urged her to step

down so that the Cottonwood Heights City Council and Mayor can attend to important City business.

Aiden James commented that the City has the potential to be on the list of one of the greatest places to live. Leadership wants to make changes and address issues that have been taking place in Cottonwood Heights. Rather than criticize Council Member Bruce, she suggested that we support her and look to the future and acknowledge issues in the Police Department. She considered the behavior toward Council Member Bruce to be bullying. She hoped they can move forward and address problems like Chief Russo and create a better place to live.

David Stevenson commented on the Attorney General's Report and questioned why the City would trust an ex-police officer to accurately report on what took place. He stated that the Attorney General has personal ties to Cottonwood Heights and the police force. Outside of the City, the view of the CHPD is negative and their integrity is in question. Mr. Stevenson stated that Tali Bruce may be a Council Member but she is a person first and foremost. It is not unjust for her to attend rallies or voice her opinion.

Mayor Peterson closed the citizen comment period.

The Mayor agreed that now is the time to move on and heal. He also agreed that successful organizations evolve. He was of the opinion that they have an excellent Police Department and other City departments. After working in public service for 50 years he has found that quality organizations are always changing, adapting, and improving. As a City Council, earlier this year after a difficult year, they met and recognized that there are things that are evolving in their organization and in every department. Tonight's focus was primarily on the police. They are things that will be implemented going forward. For example, they will be implementing a Police Citizen Advisory Board that will help with communication with the police. They will also continue to focus on increased Implicit Bias Training and Diversity and De-Escalation Training for all officers. Regular meetings will be held with diversity leaders to promote racial equality and social justice. The Police Department has also met with legal advisors and reviewed use of force issues. Other efforts were described. Mayor Peterson stated that successful organizations are always changing. Feedback from the community was welcomed and the City will look at ways to continue to improve.

4.0 PUBLIC COMMENT

4.1 Rezone Request – 2751 Fort Union Boulevard – Introduction by Community and Economic Development Director, Michael Johnson.

Community/Economic Development Director, Michael Johnson, presented the staff report and stated that the request was heard by the Planning Commission at the last meeting in April. The request was to amend the zoning map from R-1-8 to Residential Office on property located at 2751 Fort Union Boulevard. The property is a residential home with a home office business license, which is allowed in all residential zoning districts. The property is unique in that it fronts on Fort Union and has no access to any other streets. The Land Use Map for the property was identified as Residential Office. The request complies with the General Plan.

Mr. Johnson reported that recently the City went through a City-initiated Land Use Map Amendment on Fort Union Boulevard east of 2700 East. This was a map that was in place prior to the 2019 amendment. Since the City's incorporation, the long-range land use designation for the property was mixed-use which allows for any commercial use. The City Council directed staff to prepare a Land Use Map Amendment to look at all properties on Fort Union Boulevard in this area. That was done and at the time it was recommended that a majority of the properties be amended from Mixed-Use to Low-Density Residential.

On the subject property, there has been an active home business license since the City's incorporation. During most of that time, it was a home occupation with clients or a travel agency. In 2018, the current applicant purchased the property and has been using it as a home occupation with clients as an insurance office. A list of the allowed uses in the Residential Office Zone was referenced. Mr. Johnson clarified that this is much different from a Mixed-Use Zone, which was considered previously. Primary retail uses are not allowed in the Residential Office Zone and are mainly geared toward low-impact administrative or professional office uses, studios, daycare facilities, and residential uses.

Mr. Johnson stated that if the zone change were approved for this property and the surrounding properties remain as-is, the setbacks for a new building are very restrictive at 25 feet on all sides and 30 feet in the rear yard. The building could not be substantially modified or added onto without coming into compliance with the current setbacks. Additionally, if there is a commercial use on the second story of a residential office building, any setback to the nearest residential property must equal the height of the building.

The Planning Commission reviewed the request and recommended denial to the City Council. The concerns expressed included the creation of pocket zoning, segments facing Fort Union Boulevard, and encroachment into a residential area. Mr. Johnson clarified that there is often a misconception that a zone change on a single lot is illegal or improper, which is not the case. No public comments were received during the Planning Commission review. The concerns raised came from the Planning Commission. The staff recommendation remained the same and was based on the findings set forth in the staff report.

The applicant, Lance Paulson, presented new facts since the last meeting. He enjoys living in Cottonwood Heights and stated that no negative comments or complaints were received. Two of his neighbors were present in support. He stated that there are other roads that have more residential and mixed-use such as 3000 East. In the past, the Planning Commission recommended approval of RO zoning, which protects the viability and appearance of properties along a very visible road. Mr. Paulson stated that without this approval, it will be difficult for him to grow his business. His business began in this area and is where he wants to stay and grow. He urged the Council to grant approval.

With regard to providing notice, Mr. Johnson stated that the City initiated the change and the process requires notice be provided to everyone impacted by the change to ensure that they have the opportunity to attend a public hearing and provide input.

Mayor Peterson opened the public hearing.

Daniel Hillesheim expressed his support for Mr. Paulson and indicated that he has been a resident of Cottonwood Heights for four years. He felt that what Mr. Paulson will add to the community will benefit everyone. Mr. Hillesheim stated that he has known Mr. Paulson for more than 20 years and expressed his support for the proposed rezone.

David Thornton, a 19-year resident, stated that he lives on Country Lane just east of the Recreation Center. Mr. Paulson insures a couple of properties that he owns and it is nice to be able to visit his location so close to his home. The property is very clean and well cared for. He expressed his support for a local business owner running a business and taking care of a property. He thanked the Council for the work they do.

John Hammond stated that as a developer, he supports local people coming and spending money to improve the City. The Fort Union area will ultimately become commercial at some point based on the heavy traffic there. The fact that there were no negative comments from people who live nearby is a positive sign that there is support for Mr. Paulson's business. Because it is an insurance office it will have a low impact on the area and well maintained. He felt it will be positive for the City and expressed his support.

There were no further public comments. The public hearing was closed.

Council Member Bracken stated that the Council should look long term at what could happen on the site. Conditions are also possible in the RO zone. While he may be running an insurance office it does not mean that a future owner will continue that. He was most concerned about the uses listed under A in Title 19, which are similar to those on Highland Drive. He suggested that when action is taken that the Council consider a condition that restricts the uses.

5.0 ACTION ITEMS

5.1 Consideration of Resolution 2021-21 Concerning the City's Development Review Committee.

Mr. Johnson stated that the above resolution follows the City's Sensitive Land Ordinance. Those considering projects in sensitive land areas with certain site hazards require review by the Development Review Committee ("DRC"). The Council should formally approve the makeup of the committee. The DRC is a staff committee comprised of the Community Development Director, Senior City Planner, Associate City Planner, City Engineer, Public Works Director, Unified Fire Authority ("UFA") Fire Inspector, Building Official, City Attorney, and other staff members and outside experts as needed. The function of the DRC is to meet at the pre-application level to provide department-specific feedback for pending applications and give prospective developers or applicants an idea of what to expect. Another function of the DRC is to review sensitive land hazards and ensure the proper sensitive lands studies and hazard reports are prepared and implemented. The resolution formalizes the makeup of the DRC.

Mayor Peterson asked how the outcome of meetings is documented. Mr. Johnson stated that it is a staff-level committee so meetings are not public or noticed. Notes are maintained by staff to document what is discussed and documents are kept on file. The DRC meets as needed but every week they have a standing appointment.

MOTION: Council Member Bruce moved to approve Resolution 2021-21. The motion was seconded by Council Member Petersen. Vote on motion: Council Member Mikell-Aye, Council Member Bracken-Aye, Council Member Bruce-Aye, Council Member Petersen-Aye, Mayor Mike Peterson-Aye. The motion passed unanimously.

6.0 CONSENT CALENDAR

6.1 Approval of the City Council Work Session and Business Meeting Minutes for May 4, 2021, and the Special Work Session Minutes of May 11, 2021.

MOTION: Council Member Petersen moved to approve the City Council Work Session and Business Meeting minutes of May 4, 2021, and the Special Work Session minutes of May 11, 2021. The motion was seconded by Council Member Mikell. The motion passed with the unanimous consent of the Council.

7.0 ADJOURN CITY COUNCIL BUSINESS MEETING.

MOTION: Council Member Bruce moved to adjourn the City Council Business Meeting. The motion was seconded by Council Member Bracken. The motion passed with the unanimous consent of the Council.

The meeting adjourned at 8:49 p.m.

I hereby certify that the foregoing represents a true, accurate, and complete record of the Cottonwood Heights City Council Work and Business Meetings held Tuesday, May 18, 2021.

Teri Forbes

Teri Forbes
T Forbes Group
Minutes Secretary

Minutes Approved: June 1, 2021